

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CRYSTAL GOOD, et al.,

Plaintiffs,

v.

**WEST VIRGINIA-AMERICAN WATER
COMPANY, et al.,**

Defendants.

Case No.: 2:14-CV-01374

Hon. John T. Copenhaver, Jr.

Consolidated with:

Case No. 2:14-11011

Case No. 2:14-13164

Case No. 2:14-13454

MOTION FOR DISBURSEMENT OF ATTORNEYS' FEES

Counsel for Plaintiffs respectfully ask the Court to disburse the remaining attorneys' fees in this case, in the amount and manner set forth below.

As time has passed, the parties' best estimates of the total amount of claims to be paid (and concomitantly, the attorneys' fees) have changed. At the time of preliminary approval of the proposed settlement in this case, the parties negotiated a 25% attorneys' fee, which the Court also approved. The class was informed of this decision, and no class member objected. By the time the Court entered its Order Granting Final Approval of the *Good* Class Settlement and Entering Judgment, on June 8, 2018, the Court noted that the total dollar amount of claims filed exceeded \$162,000,000, and thus anticipated that the entirety of the \$150,500,000 in the Guaranteed Fund and the Contingent Fund would be paid out. Premised on the disbursement of the entirety of those funds, the Court reduced its attorneys' fee award of 25% to 22% of both

funds (and the sums recoverable from the individual defendants), *Id.* at 10, and directed that the fee award be paid in three installments.

Since that time and based on the best present estimates of the total claims which will be paid out, it now appears certain that the entirety of the Contingent Fund will not be disbursed, and that the expected fees will fall within or beneath the range the Court contemplated in granting preliminary approval of the settlement. The first two installment dates have passed.

Counsel have discussed among themselves these circumstances, the Court's reduction of the fee percentage, and different methodologies for calculating the fees. The parties have also discussed the fact that payment of fees at the original 25% will not reduce any amounts to be paid to claimants in the Contingent Fund, which has been a goal for all parties. Counsel have also discussed the length of time the claims process has taken, and the remaining uncertainties in the case as the Individual Review Process has unfolded.

Accordingly, to provide certainty and clarity for the remainder of the claims process and for counsel, the undersigned have agreed with the American Water Defendants to accept a fixed amount of \$6.7 million for fees associated with claims paid from the Contingent Fund. This will result in a total fee that is less than the \$30 million preliminarily approved, less than the \$32.89 million assumed at final approval, and less than 25% of the current best estimate of settlement amounts to be paid from the Contingent Fund. The American Water Defendants, by counsel, have agreed not to object to this amount.

The undersigned Plaintiffs' counsel also propose that the fee amount be disbursed 3/4 now and the remaining 1/4 upon final distribution of payments to eligible class members. The undersigned understand that the American Water Defendants, by counsel, do not take a position on this timing request.

CRYSTAL GOOD, et al.

By Counsel

/s/Benjamin L. Bailey

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CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiffs hereby certifies that on May 17, 2019, the foregoing **Motion for Disbursement of Attorneys' Fees** was served on all counsel of record through the CM/ECF system which will send notification of the filing to all counsel of record.

/s/Benjamin L. Bailey